

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

OF THE FAMILY WHYTE )

REVOCABLE LIVING TRUST )

Darrell-Ricardo Whyte © )

Plaintiff )

✓ )

DEFENDANTS )

Jo B. Atwood and/or her )

successor, individually, and/ )

or in her official capacity as )

Chancery Court Judge an ens )

legis being )

used to conceal fraud )

Tillman W. Payne, and/or his )

successor, individually, and/or in his )

official capacity as ATTORNEY )

an ens legis )

being used to conceal fraud )

John H. Bratcher, and/or his )

Successor, individually, and/or in his )

Official capacity as Clerk & Master )

an ens legis being used to conceal fraud )

Unknown Sherriff's deputy, )

(Under the command of Sherriff)

Mike Fitzhugh, ) *28 minutes in court  
talked into hall 3 floors*

and/or His successor, individually, and/or in )

his official capacity as deputy )

3:24-cv-1458

ARTICLE III INVOKED RIGHT  
OF ORIGINAL JURISDICTION  
& CONSTITUTIONAL  
OBLIGATION & DEMAND  
Case Number:

Judge:

FILED  
2024 DEC 13 PM 10:57  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

an ens legis being used to conceal )

fraud )

**Greg Bankston , and/or his )**

Successor, individually, and/or in his )

official capacity as Vice President )

of Collins & Company, Incorporated )

an ens Legis being used to conceal )

fraud )

**Adam T. Dodd, and/or his )**

Successor, individually, and/or in his )

Official capacity as Clerk & Master, )

Incorporated an ens Legis being used )

to conceal fraud )

**HABEUS CORPUS AD FACIENDUM ET  
RECIPIENDUM COMPLAINT FOR A CIVIL CASE  
WHICH MUST BE CONSTRUED LIBERALLY IN  
ACCORDANCE WITH THE FIRST AMENDMENT  
RIGHT TO PETITION THE GOVERNMENT FOR  
GRIEVANCES**

**I. The Parties to This Complaint**

**IN THE UNITED STATES DISTRICT COURT  
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**A. The Plaintiff**

**OF THE FAMILY WHYTE  
REVOCABLE LIVING TRUST  
Darrell Ricardo Whyte©**

**General Delivery  
c/o 5427 Little Hope Road  
Murfreesboro, Tennessee [37129]  
(615)-602-4113**

**B. The Defendants**

**No.1 Judge Jo B. Atwood  
Chancery Court  
116 W Lytle Street  
Murfreesboro, TN 37130  
(615)-898-7860**

**No.2 Tillman W. Payne  
Attorney  
4117 Hillsboro Pike  
Suite 103-193  
Nashville, TN 37215  
(615)-735-2991**

**No.3 John H. Bratcher  
Clerk & Master Chancery  
116 W Lytle Street  
Murfreesboro, TN 37130  
(615)-898-7860**

**No.4 Unidentified Sherriff's Deputy  
(under command of Sherriff Mike Fitzhugh)  
940 New Salem Hwy**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
Murfreesboro, TN 37129  
(615)-898-7777**

**No.5 Greg Bankston  
Collins & Company Incorporated  
555 River Street  
Chattanooga, TN 37405  
(615) 360 3099  
Email: [nash@collinsandco.com](mailto:nash@collinsandco.com)**

**No.6 Adam T. Todd  
Clerk & Master Chancery  
116 W Lytle Street  
Murfreesboro, TN 37130  
(615)-898-7860**

## **II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of

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another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of

citizenship case, no defendant may be a citizen of the same State as any plaintiff.

The basis for federal court jurisdiction is both Federal question and Diversity of citizenship.

**A. If the Basis for Jurisdiction Is a Federal Question**

Amendment IV The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. **Jo B. Atwood** made a decision to sign an IV-D contract and attempt to force me into a contract. Which is Grand Larceny, Larceny by Extortion, & Larceny by Trick. **Tillman W. Payne** formed fraudulent securities in my name and has on more than 3 occasions abetted in child abuse, child endangerment and mental abuse by Sheryl Oretha Hurd- Whyte and filed unsigned documents into a foreign court to deprive me of my Rights to my offspring whom are my property under the "color of law" (See: Deed of Land recordings [RF 373 639 968 US] & [RF 373 639 954 US] and to induce slavery upon me. Under Threat of 0-out of 365 days of my offspring/ properties lives placing me under duress & coerced me into appearance of a foreign for profit contractual proceedings. **Greg Bankston** Fraudulently claimed that Jo B. Atwood was not a government employee of Rutherford County. Blocking remedy and access to bond funds (See: Letter attached) all went along with and

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participated in a fraudulent ruling and attempted seizures of Plaintiff's Sustenance without doing diligent inquiry. An unknown Sherriff's Deputy (ex Marine Corps) took Plaintiff into the hall and threatened to take Plaintiff into custody if Plaintiff didn't do everything the Judge said and all went along without doing the diligent inquiry and has a financial interest. Adam T. Dodd has sent billing statements concerning both divorce cases (the latest was 75CH1-2013-CV-337) which proves Plaintiff is the original Plaintiff and that Tillman Payne and all others formed fraudulent securities and violated their Oaths as Public Servants to uphold and abide by the Constitution which was put into place to prevent them from acting as the tyrants they are, all did the same as above and below. Jo B. Atwood made a ruling in her individual capacity for hire and under IV-D contract in interests of her financial gain.

Amendment V ( No natural person shall be held to answer for a capital, or otherwise infamous crime, unless presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when actual service in time of War or public danger; nor shall any natural person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.) ALL NAMED "OFFICIALS" HAVE BENEFITED FROM USE OF THE SOCIAL SECURITY NUMBER WHICH I AM THE BENEFICIARY OF AND FROM THE BIRTH CERTIFICATE WHICH I AM THE beneficiary and Executor of, THEY FALSELY CLAIMED TO BE QUALIFIED HEIRS TO THE TRUST AND ESTATE FORMED THROUGH THESE UNCONSTITUTIONAL DOCUMENTS AND FORMED SECURITIES AND BONDS WHICH ARE ABSOLUTELY NOT OF ANY EQUITABLE INTEREST TO ME IN THE WAY THEY HAVE SET THEM UP. THIS IS HUMAN TRAFFICKING, SLAVERY, AND SECURITIES FRAUD. ALONG WITH RACKETEERING. (FRAUDULENT REPRESENTATION,

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FRAUDULENT INTENT, FRAUDULENT CONVERSION, FRAUD IN FACT  
OR FRAUD IN LAW & DOMESTIC TERRORISM).

Amendment VI In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been ascertained by law, **and be informed of the nature and cause of the accusation; (Jo B. Atwood continued to proceed after being asked what type of case it was Criminal or Civil trying to force Plaintiff into a contract)**

Amendment VII- In all suits at common law, where the value in controversy shall exceed twenty dollars, the right of a trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law. **(All individuals involved are knowingly and willingly committing Larceny, Securities Fraud, and are involved in R.I.C.O. activities with willful and knowing intent).** My individual Rights are to be protected against Arbitrary behavior of rogue Administrators and their fellow privateers and law merchants. No Arbitrary and Capricious decisions, actions, or behavior due to one(s) Arbitrary power.

Amendment VIII-Prohibits excessive bail, fines, & harsh penalties. There is no harsher penalty than the destruction of a father's rights to his offspring! Especially when it is a Maxim of law that offspring of a couple union belong to the man! Especially when their mother is a known repeat abuser and drug addict! To enable an addict to leave the state with my offspring and not allow me to see them or my family to see them is evil! None of them had any right in my personal business let alone my family business! 0 days out of 365 days! Especially after being shown that she will kill to gain control by making me bury our first born!



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Amendment IX (The enumeration in the Constitution, of rights, shall not be construed to deny or disparage others retained by the people.) The court and its officers didn't give any consideration to my enumerated or unenumerated rights and destroyed my relationship with my offspring (property) all to form fraudulent securities to be placed into a trust for profit profiteering from my family.

[Disparage-To connect unequally; to match unsuitably. To discredit one's person or property. Black's Law 5<sup>th</sup> Edition] Tillman W. Payne, Jo B. Atwood, John H. Bratcher, Unknown Sherriff's Deputy, Greg Bankston, and Adam T. Dodd have all conspired to deprive me of my right to be let alone and not to be threatened of extortion and/or incarceration and placed into bondage by their debt Slavery, by and through their imposter status of acting tyrants. ALL TOOK OATHS TO UPHOLD THE CONSTITUTION.EACH CONSPIRED TO DEPRIVE Me OF My UNALIENABLE GOD GIVEN NATURAL BORN RIGHTS THAT THE CONSTITUTIONAL CONTRACT WAS PUT IN PLACE TO PROTECT.

Article I Section 9.

No Bill of Attainder or ex post facto Law shall be passed. No Capitation or other direct Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken. Child Support is a Bill of Attainder and ex post facto. It is also non-Positive law under title 42.

**B. If the Basis for Jurisdiction is Diversity of Citizenship**

**1. The Plaintiff**

**a. If the plaintiff is an individual**



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The plaintiff, OF THE FAMILY WHYTE REVOCABLE LIVING  
TRUST Darrell-Ricardo: Whyte@, is a Tennessean.

2. The Defendants

b. The defendant is a corporation.

The defendant, Jo B. Atwood, is incorporated under the laws of the State of District of Columbia and has its principal place of business in the State of Tennessee. D-U-N-S #: 804815694

c. The defendant is a corporation.

The defendant, Tillman W. Payne, is incorporated under the laws of the State of District of Columbia and has its principal place of business in the State of Tennessee. D-U-N-S #: 804815694

d. The defendant is a corporation.

The defendant, John H. Bratcher, is incorporated under the laws of the State of District of Columbia and has its principal place of business in the State of Tennessee. D-U-N-S #: 804815694

e. The defendant is a corporation.

The defendant, Adam T. Dodd, is incorporated under the laws of the State of District of Columbia and has its principal place of business in the State of Tennessee. D-U-N-S #: 804815694

f. The defendant is a corporation.

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The defendant, Greg Bankston, is incorporated under the laws of the State of District of Columbia and has its principal place of business in the State of Tennessee. D-U-N-S #: 804815694

g. The defendant is a corporation.

The defendant, Unknown Sherriff's Deputy (Under command of Sherriff Mike Fitzhugh), is incorporated under the laws of the

State of District Columbia and has its principal place of business in the State of Tennessee. D-U-N-S #: 804815694

**3. The Amount in Controversy**

The amount in controversy-the amount the plaintiff claims the defendants owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because: Amendment V

No natural person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

**III. Statement of Claim**

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The issue before the court is a Fraudulently Representation by a non-existent assumption that the Plaintiff is one of the State of Tennessee's chattel property, and that Plaintiff was unaware of his rights and unable to defend himself against their Privateering and racketeering motivated behavior and court cases. The Judge and all named defendants all conspired against Plaintiff's rights and made a willful and knowing attempt to deprive Plaintiff of

his right to be let alone. Child Support has been ruled Unconstitutional by the Supreme Court in 2019.

1. On or around December 16<sup>th</sup>, 2022, Jo B. Atwood did violate her Constitutional Oath of Office by sending an unidentified deputy Sherriff to take Plaintiff into the hallway and threaten Plaintiff not to challenge the Judge and to do what she says, or he would have to take me to jail. And by violating the VI Amendment protected Right to be informed of the nature and cause of the accusation...by not answering questions on what type of Court we were in Criminal or Civil on multiple occasions & by being belligerent throughout the entire proceeding. Enabling a drug addict to steal Plaintiff's Property [RF 373 639 968 US] & [RF 373 639 954 US] Madisyn & Carmen Whyte. Inducing Pain and Suffering & committing Securities Fraud Along with Child Abuse and aiding and abetting Kidnapping by a drug dealing and abusing drug addict.

2. On or around November 15<sup>th</sup>, 2022, Plaintiff went to Chancery Court on the 5<sup>th</sup> floor of the Judicial Center and waited to be called and the judge got onto Tilman Payne for submitting unsigned documents to the court and rescheduled the date for December 16<sup>th</sup>, 2022. Upon leaving Plaintiff respectfully confronted Tilman Payne in the hallway and held up the birth certificate and let him know that I am the beneficiary & the executor to this and that he would pay me for being in violation of 18 U.S.C. §§ 241 & 242. This is the reason why the unnamed deputy Sherriff's deputy took Plaintiff into the hallway and threatened him.

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3. On or around December 16<sup>th</sup> Plaintiff appeared in front of Jo B. Atwood and she made several attempts to usurp my authority as a Sovereign American Citizen & one of the People whom she is to serve and uphold the Constitution for but instead tried to place me into bondage with fraudulent contracts and representations. She also refused to answer the questions of which kind of court we were in, Civil or Criminal which is secured by the VI Amendment which states that:( and to be informed of the nature and cause of the accusation;) There was no injured party / Corpus Delecti and therefore the court, lawyer, and Clerk & Master(s) did not have any authority to bring Plaintiff into their foreign for-profit court in the first place.

4. On or around December 22<sup>nd</sup>, 2022, Plaintiff recorded and placed on the public record Affidavit of High Crimes and Treason. The Certified Affidavit of High Crimes and Treason will be attached. Jo B. Atwood instructed the deputy Sherriff to treat Plaintiff as a Slave as if Plaintiff is a person wholly subject to the will of another, one who has no freedom of action, but whose person and services are wholly under the control of another. (Black's Law 3<sup>rd</sup> Edition) Tillman W. Payne, Jo B. Atwood, John H. Bratcher, Adam T. Dodd & Greg Bankston is inducing Peonage- the state or condition of a peon as above defined; a condition of enforced servitude, by which the servitor is restrained of his liberty and compelled to labor in liquidation of some debt or obligation, real or pretended, against his will. Plaintiff always has Constitutional Money on Plaintiff's Natural Person and is not able to be classified or treated as a Peon. Plaintiff may be brown but is not their slave or chattel property Tilman Payne, Jo B. Atwood, John Bratcher, and all STATE OF TENNESSEE agents involved are all complicit willfully and knowingly inducing slavery and peonage on the Plaintiff.

5. Title IV-D was passed in the late 1970's and caused an explosion in the divorce rate in the 80's. Title IV-D provides for matching funds for the collection of child support. The more child support that is issued the more

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money the state gets for reimbursements. This funds the entire Attorney General's Office in many States not excluding Tennessee. All judges are incentivized to rule in cases in such a way to maximize Title IV-D reimbursements before anything is heard in the case. This explains a lot of peculiar things in "family court" which is known for giving custody to the dysfunctional adult. Sheryl Hurd is a drug addict, and the court is responsible for anything that has happened and may happen to my offspring. The State knows full well that they would never collect child support from a drug addict, so they are encouraged to place the offspring in the addict's custody and pillage and plunder the responsible adults' sustenance. The matching money doesn't get awarded to the state unless they get the money from the responsible adult. The decision in "family court" doesn't come down to who is the fit and well. Sheryl has been proven on at least 3 occasions to be abusive and neglectful of our offspring and admitted in a court proceeding for

an order of protection that she has had over 50 instances with DCS and that they are her friends while high in court. Therefore, the decision was made as to which adult will give them maximum Title IV-D reimbursement from the federal government. Amazing to find out that the Legislature has incentivized the program which is only second to some of the largest defense programs. It is apparent that the defense programs are for defending the country from the enemies offshore and the next in line Title IV-D program has been weaponized against the man trying to be a father within the shores. That's why we are labeled the enemy in the TWEA. Which is also unconstitutional

6. Plaintiff professionally and politely showed the Clerk's his Certificate of Assumed Names and explained to them that I needed someone that could actually do business with me. The Clerks & Clerk's Supervisor acted as if they were unaware of their trespasses and continued to proceed just as the judge, lawyer, and bailiff (Sherriff's deputy) did. Certified copies were shown and recorded with the Registrar of Deeds after being run properly for 7 days in the

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Daily News Journal and they were made aware of these facts. Each trespass is \$250,000.

All above-mentioned defendants are involved in the STATUTORY PROVISIONS listed below and attached as Attachments.

18 U.S.C. § §1961-1968, R.I.C.O. Act

18 U.S.C. § 3301 Securities Fraud

18 U.S.C. § 1348, Securities Fraud

18 U.S.C. § 472 Uttering counterfeit obligations or securities

18 U.S.C. § 473 Dealing in counterfeit obligations or securities

18 U.S.C. § 241, Conspiracy against rights...

18 U.S.C. § 242, Deprivation of rights under color of law...

18 U.S.C. § 286, Conspiracy to defraud the U.S. Government...

18 U.S.C. § 287, False, fictitious, or fraudulent claims...

18 U.S.C. § 371, Conspiracy to defraud the United States...

18 U.S.C. § 1031, Major fraud against the United States...

18 U.S.C. § 1951 (a)(b)(2), Interference with comm. By threats or violence...

18 U.S.C. § 1961 (1)(A)(B)(2)(3)(4)(5), Racketeering activity...

18 U.S.C. § 2382 Misprision of Treason...

18 U.S.C. § 2381 Treason

31 U.S.C. § 3729(a)(1)(A)(B)(E), False claims.

18 U.S.C. § 2340A Torture...



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18 U.S.C. § 3301 Securities Fraud offenses No person shall be prosecuted, tried, or punished for a securities fraud offense, unless the indictment is found, or the information is instituted within 6 years after the offense.

18 U.S.C. §1348 Securities Fraud

18 U.S.C. § 641 Public Money, property or records..

18 U.S.C. § 1001 Falsifies, conceals, or covers up by any trick scheme, or device a material fact, makes any false, fictitious or fraudulent statements or representations...

## **Relief**

(Two hundred and fifty million dollars (\$250,000,000) in gold and silver bullion and all properties, and/or all commodities, estates, trusts, & Judges Retirement System (JRS), and retirement pensions for all other officers of the court belonging to all defendants & the corporation they are serving.) The 6 defendants whether acting in their personal/private/or corporate capacities have ruthlessly induced and caused mental anguish, pain & suffering along with PTSD, and a continual burden of worrying of the well-being of my offspring while they are in the care of an unstable and narcissist. All have infringed on my Natural born God given rights by threatening, coercing, and placing me under duress that are also protected by the Constitution that they all swore to uphold. I have a right to be let alone raise my offspring and live in peace, and an unlimited right to contract or not to contract. Their actions have caused me anxiety, intimidation, restlessness, fear of being pursued and persecuted for no apparent reasons other than they want to exert their

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imaginary authority and make up reasons to place me under slavery to their foreign for-profit corporation. I have Natural rights to be let alone, without having to be harassed by some made up foreign corporation's rules in order to generate revenue from and through the peoples sweat from their brows. I have a right to travel and exist without having to be worried and living in fear of being harassed and pulled over and made to suffer through some false claims of me owing money and figuring up some imaginary amount for me to be held accountable for because they are acting in an ens Legis capacity with no liability because it is an artificial and made up entity that they claim to be allowed by law as they go along day to day committing treason and violating the Constitution and the God Given Natural Born Unalienable Rights of the People it was put in place to protect.

#### **IV. Certification and Closing**

Under the Constitution for the united states of America, by signing below, I certify under penalty and pains of perjury under the laws for the United States of America to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of the Constitution for the united States of America.

Article VI - This Constitution? the Laws of the United States of America which shall be made in Pursuance thereof: § All Treaties made, or which shall be made, or which shall be made under the Authority of the United States of America, shall be the Supreme Law of the Land; § the Judges in every State shall be bound thereby, Any Thing in the Constitution or Laws of any State to the contrary Not with standing.

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A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

**CERTIFICATE OF SERVICE UNDER PENALTY OF PAINS OF PERJURY**

I declare, certify, verify, and state under penalty and pains of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed on

December 11, 2024

By: Whyte, Darrell R  
OF THE FAMILY WHYTE REV LIV TRUST

Printed Name of Plaintiff

Whyte, Darrell R

Darrell-Ricardo: Whyte Attorney-in-Fact / Agent /  
Authorized Representative

Subscribed to and Sworn to Before God [Titus 1:2] this day 11 of  
December 2024.

Darrell-Ricardo: Whyte  
c/o 5427 Little Hope Road  
Murfreesboro, Tennessee

[Signature]

